

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT**

**IN RE:**

**Matthew D. Slavicek**

**Sheena L. Slavicek**

Case No. 17-50920-lsg

Honorable: Lisa S. Gretchko

Chapter 13

Debtor(s). \_\_\_\_\_ /

**CHAPTER 13 PLAN MODIFICATION**

DEBTORS, by and through their Attorneys, state the following in support of this plan modification;

1. Debtors are in a Chapter 13 plan that was confirmed on June 6, 2018.
2. Debtors' plan as confirmed runs 60 months and proposes to pay a \$0 base amount to unsecured creditors. The Debtors are in month 49 of the plan and have a payment history of 162.58% according to the trustee records. This apparent overpayment is due to a turnover of funds that was applied as a plan payment. When adjusted the Debtors are 100% paid into their plan.
3. The plan as confirmed requires that the Debtors remit federal tax refunds received during the pendency of the plan. For 2021 the Debtors return indicates a refund of \$7,737.00 of which \$6,600.00 is due to refundable child tax credits.
4. The Debtors minor child requires orthodontics with a patient responsibility of \$6,230.00. In addition to the orthodontics, the Debtors have required home repairs relating to insulation needs for which the quote is \$6935.50. The Debtors seek to retain the 2021 federal refund to help with these expenses.
5. The Debtors seek to amend the confirmed plan to excuse turnover of the 2021 federal refunds. (See attached worksheet.)
6. The effect of this plan modification on creditors will be as follows:

<b>Class One-</b>	No effect.
<b>Class Two-</b>	No effect.
<b>Class Three-</b>	No creditors of this class are in this case
<b>Class Four-</b>	No creditors of this class are in this case
<b>Class Five-</b>	Creditor will be paid over the extended plan term.
<b>Class Six-</b>	No creditors of this class are in this case
<b>Class Seven-</b>	No creditors of this class are in this case.
<b>Class Eight-</b>	No creditors of this class are in this case.
<b>Class Nine-</b>	Creditors will receive only the \$0 base.

WHEREFORE, it is requested that the Debtors' confirmed plan be modified to excuse turnover of the 2021 federal refund.

Dated: July 20, 2022

/s/ Tricia S. Terry  
Tricia S. Terry (P59522)  
Marrs & Terry, PLLC  
6553 Jackson Rd  
Ann Arbor, MI 48103  
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**EXHIBIT A**

**WORKSHEET-PLAN MODIFICATION**

1. Length of Plan is \_\_\_\_\_ weeks; **23** months; \_\_\_\_\_ years.

Debtor #1:

2. \$ **92.31** per pay period x <sup>( Bi-weekly )</sup> **4** pay periods per Plan = \$ **369.24** total per Plan

185.69 50 9284.50  
3. \$ \_\_\_\_\_ per period x \_\_\_\_\_ periods in Plan = \_\_\_\_\_

4. Lump Sums: Balance on hand 168.00

5. Equals total to be paid into the Plan 9821.74

6. Estimated trustee's fees 884.00

7. Attorney fees and costs- 0.00

Plus estimated future 4347.55

8. Total priority claims remaining 0.00

9. Total installment mortgage or  
other long-term debt payments 0

10. Total of arrearage  
including interest 0

11. Total secured claims,  
including interest 4590.19

Total of items 6 through 11 \$ 11349.53

12. Funds available for unsecured creditors \$ 0.00

13. Total unsecured claims \$ 246,328.16

14. Estimated percentage to unsecured creditors with projected funding 0 %

15. Estimated dividend to general unsecured creditors if  
Chapter 7, ( \$ 0.00

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Notice of Deadline to Object to Proposed Chapter 13 Plan Modification

The deadline to file an objection to the attached proposed chapter 13 plan modification is 21 days after service.

If no timely responses are filed to a proposed post-confirmation plan modification, the proponent may file a certificate of no response and request entry of an order approving the plan modification.

If a timely objection is filed, the Court will set the matter for hearing and give notice of the hearing to the debtor, the proponent of the plan modification, the trustee and any objecting parties. In that event, the plan modification will become effective when the Court enters an order overruling or resolving all objections.

Objections to the attached proposed chapter 13 plan modification shall be served on the following:

Tricia S. Terry 6553 Jackson Road, Ann Arbor MI 48103

David Ruskin, 26555 Evergreen, Suite 1100, Southfield MI 48076

Dated: July 20, 2022

/s/ Tricia S. Terry

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**ORDER MODIFYING CONFIRMED PLAN**

This matter having come before the Court upon the filing of Debtors' post-confirmation plan modification (ECF# ), and all interested parties having been served with notice of the modification, no objections to the modification having been received and a certification of no response having been filed (ECF# ). The Court has reviewed the pertinent pleadings and is advised in the premises

IT IS HEREBY ORDERED that the Debtors' confirmed plan is modified to excuse turnover of the 2021 federal refund.